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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,368	08/21/2003	James Ray Rogers	NAMKU-080A	7478

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Kit M Stetina, Esq.
STETINA BRUNDA GARRED & BRUCKER
Suite 250
75 Enterprise
Aliso Viejo, CA 92656

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/645,368	Applicant(s) ROGERS, JAMES RAY	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species II in the reply filed on 05 February 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 3, 4, 7, 8 and 17-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 05 February 2007.

Information Disclosure Statement

3. The information disclosure statement filed 09 October 2006 has been considered for this Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 6 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Herman (US 5,542,157).

Gould teaches an accessory device comprises an attaching unit. The attaching unit includes a base unit (10) and a snap-on unit (18). The base unit has a bottom plate (10). The base unit includes a slot (12) recessed from a periphery of the bottom plate. The bottom plate is slidable underneath a button (Figs. 1-8). The base unit has a lower latching unit (24) protruding from the bottom plate. The snap-on unit has an upper latching structure (28) on the interior of a periphery of the snap on Unit engaging with the lower latching unit of the bottom plate. (Figs. 1-8). Gould fails to disclose that a display object is attached to the snap on-unit of the base unit. However, Herman teaches an accessory device (1206) comprises a snap-on unit (1208) having an upper latching structure on the interior of a periphery of the snap-on unit (Fig. 52) and a display unit attached to the snap-on unit of the base unit (Fig. 52). The accessory object allows having one or more interchangeable ornamentations being placed over a button (C. 15, L. 49-67 and C. 16, L. 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a display

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object is attached to the snap on-unit of the base unit as taught by Herman, in the accessory device disclosed by Gould. Doing so, allows the use of one or more interchangeable ornamentations being placed over a button.

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Gould also discloses that the slot of the bottom plate extends along a length shorter than a diameter of the bottom plate (Figs. 1-8).

The device taught by Herman can be formed via injection molding processes (Figs. 49-52) since the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Herman also teaches that the display object is a figurine (Figs. 49-52).

The base unit and the snap-on unit disclosed by Gould are integrally formed (Figs. 1-8).

An upper surface of the snap-on unit taught by Herman further comprises a flange along the periphery of the snap-on unit (Fig. 52).

The device disclosed by Gould further comprises a foldable bar (16) connecting the base unit and the snap-on unit as a hinge.

Gould discloses that the base unit, the snap-on unit and the foldable bar are integrally formed (Figs. 1-8).

The periphery of the base unit disclosed by Gould is smaller than the periphery of the snap-on unit (Figs. 1-8).

The display object includes a bottom rim configured to engageably mate with the flange of the snap-on unit (Fig. 52).

Allowable Subject Matter

6. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 05 February 2007 have been fully considered but they are not persuasive.

8. The Applicant argues that Gould fails to disclose a latching engagement as required by the claim. This argument fails to persuade. The claim only requires "a lower latching structure protruding from the bottom plate" and "an upper latching structure on the interior of a periphery of the snap-on unit for engagement with the lower latching structure of the bottom plate". The claim does not provide any details of the lower latching structure outside of stating that they protrude from the bottom plate or any details of the upper latching structure outside of stating that it is located along the inner periphery of the snap-on unit. Therefore, the projections (24) can read on the lower latching unit and the cylindrical tubes (28) located along a portion of the inner periphery of the snap-on unit can read on the upper latching unit. Contrary to Applicant's argument the projection and cylindrical tubes of Gould do form a latching

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engagement of the base unit and the snap-on unit to keep this two members in the closed position shown in Figures 5 and 8. Otherwise, the accessory device will always remain in the open position. Regarding to the arguments directed to the display object, a combination with Herman was made to address this limitation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goodwin (US 581,111), Armbruster (US 2,751,654), Corbi (US 2,834,080), Darvie (US 3,343,230), Hardin (US 4,918,791), Szedzinski (US 5,060,356), Jerjian (US 5,161,285), Fang (US 5,394,719), Stanesic et al. (US 6,381,806 B1) and Bishop (US 6,857,167 B2) are cited to show state of the art with respect to accessory devices used to cover a button.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
April 16, 2007



ROBERT J. SANDY
PRIMARY EXAMINER